

Meeting of 2006-10-30 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL SPECIAL MEETING  
OCTOBER 30, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two

Janice Drewry, Ward Three  
Keith Jackson, Ward Four

Robert Shanklin, Ward Five  
Jeff Patton, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None

1. Discuss options for a future sales tax election to fund infrastructure projects needed to support anticipated population growth as a result of recent BRAC announcements made by the Department of Defense and Fort Sill. Exhibits: Email from Council Member Randy Warren, dated October 13, 2006, City of Lawton CIP Proposed Road Projects, Proposed Residential Street Reconstruction Projects and Letter to Senator Randy Bass, dated March 10, 2006.

Jackson stated he was told by the City Manager that a cent sales tax will be expiring on June 30, 2007. He stated that we are in the beginning of a seven year CIP program now and we have five more years to go until we have access to any sizeable capital improvement monies. Which what is going on with our infrastructure concerns, that is too long to wait to start addressing these needs. He has had some minor meetings with the Chamber of Commerce and one meeting with County Commissioner Gail Turner. His idea is to make this thing as simple as possible and make sure that we could get it passed by the public. That is to take this cent sales tax that will expire in June 2007 and extend it however long the Council would determine. That cent tax inside the city limits would raise \$2.4 million. He didn't care if we did it for two years or three years, but there was a reason for not any longer than that and he did not want to answer to the public that we would have only one year in between sales tax elections. He felt if we had a three year program we would keep a constant flow of money in order to take care of capital improvement, capital outlay and infrastructure problems.

Warren stated he would like to make some measurable headway on infrastructure repair as far as streets and an emphasis on undersized water lines. At the same time he feels this would be a good time to try and move the rolling stock charge from the utility bill to a sales tax where he feels it probably should have been to begin with. Those 35,000 accounts aren't the only individuals that use those fire trucks, police vehicles, graters, etc. Everyone that comes into the city of Lawton and those non-account holders also use those items. He stated if they were to retire the \$6 from the utility bill, this would be about cent sales tax for any amount of time. He hopes to use the other cent divided equally between street repair and water lines. He stated if staff was able to do this work in house we would be in good shape. He is not stuck on cent. He was looking at \$40 million by looking at the infrastructure needs that we have provided to our state legislators and the Governor. He stated if we had a seven year program, we could finance the debt service for about cent on \$40 million on a seven year program. This would move the sales tax to 9 cents, which is a place we have never been. In the past it has been at 8.75 and it was not detrimental. Our economy is better now and is growing. We need to look at what we want to accomplish in the length of time we want and then decide how we have to pay for this. He stated most of these taxes, someone will ask that they be put back on at some point and he would prefer that they build a program and we sell it regardless of what may or may not come off.

Givens questioned if we are going to be able to have a reassessment of what the current CIP will or will not be able to cover. He questioned if there may be some money available.

Mitchell stated there could be. They are looking at some energy conservation options, and one of the options is to look at financing the water meter replacement program using savings on our water system as we replace those meters.

Givens questioned if there was \$3 millions allocated to the water meters.

Mitchell stated he believes there was \$6 million.

Rick Endicott, Finance Director, stated some of that money is now earmarked for the SE Water Treatment Plant.

He questioned if there has been any movement on the part of the state for some help.

Mayor Purcell stated there have been indications from our legislative delegation that next year they will be pushing to get us some money toward that \$40 million. He thinks we will get some at some point in time and we are emphasizing that we need it next year if we want to have this ready for when the people start showing up for BRAC.

Shanklin stated we are trying to dodge a bullet. Back in 1998 there was an extensive list of projects and they were trying to fight it with sales tax. He stated 60,000 people cannot fund a city of 95,000. We have \$6 for rolling stock, \$4 for Waurika, and our water is not \$11 or \$12 as we try to say it is, it is around \$19 or \$20. This is all smoke and mirrors and in all of the retired military communities he has visited with he has found none that doesn't think there is some way that they can help pay their fair share of this city government. It is not through sales tax, they go out to Fort Sill, and they have every right to do that. He has yet to find any civilian that is not connected with Fort Sill, that doesn't want anything but sales tax. Sales tax is not going to get us there. He thinks they are wrong to say that sales tax is the only answer, because we are never going to catch up and never going to get there. If they look at the elections in the past, there are a couple of precincts that are retired military dominated and they will support it every time. He feels we are in error if we don't ask them. We have been a city of repair, not replace. He thinks we need to find some way to include ad valorem so that everyone can pay their fair share of city government. He doesn't have a problem with either Councilmember Jackson's or Councilmember Warren's proposals, but they are not new programs. He questioned how we are going to get there. He questioned if anyone has spoken with the school board. They are all going to have to promote to get this thing going.

Mayor Purcell stated he received an email from a retired military resident and he told them he would read it to the City Council. It says that he favored the cent proposal over the cent proposal, however he felt it was ill advised to tie the cent tax to the \$6 rolling stock charge and or removing that fee from the water bill. He felt the rolling stock revenue is a perpetual need and the need to replace rolling stock will never end. To tie the proposed sales tax to the rolling stock fee applied to a water bill would only serve to convince the Lawton citizens that the rolling stock fee is and never was a valid and justified need for the city.

Jackson stated he agrees with everything that Councilmember Shanklin said, but the problem is he does not want to get off track of what we are here for tonight. He stated the \$40 million shortfall that they are addressing is a different issue. The problem is that on June 30, 2007, that cent sales tax expires. He simply wants to make sure that we pick it up and use it for some of our infrastructure problems. If we want to talk about an ad valorem tax, that is a different issue. In order to get this sales tax on the ballot by February, we need to address this by December 14<sup>th</sup>. He has a proposal that will put the bulk of it in street repair and he is leery of extending it any longer than four or five years, because in five years the CIP program will expire.

Shanklin questioned if realistically, are we going to get any money from the state towards that \$40 million. No one else is getting anything.

Mayor Purcell stated that other cities have only small increments. With 10,000 12,000 people coming, we have by far the largest increase and need in the state. He stated he honestly believes we will get some funding, but probably not \$40 million. Texas is spending hundreds of millions of dollars just around Fort Hood and Fort Bliss just for their infrastructure.

Haywood questioned what they are talking about regarding infrastructure.

Mayor Purcell stated he is referring to the list that was provided in their packet that was sent to Senator Bass and the Governor.

Jackson stated he was told by the City Manager that we have not done enough legislatively to address this \$40 million issue. He called the Chairman of the Chamber legislative committee and asked for their help with getting through to the Governor's office. He has had a couple of meetings with the Chamber's legislative committee and

they all met with the area legislators and explained our needs. He stated they were assured that the area legislators would unite as a group and help us with this issue. They also understood that we were not going to get a \$40 million or \$20 million check, but we asked if we could even address it over a period of several years. He reiterated that tonight they need to address that cent sales tax that falls off on June 30<sup>th</sup>.

Drewry stated they need to look at the big picture. She would like to know if we can do something as far as ad valorem.

Mayor Purcell suggested that they hear from those in the audience that may help with this discussion.

John Blair, 6749 Chaucer Drive, stated they need to spend some money on public safety. They need to help build up the police and fire as they build the city. He suggested a cent, or part of the cent.

Ron Kirby, Comanche County Commissioner, stated he agrees with Councilmembers Jackson and Warren, that this is an issue the County Commission has been kicking around for several weeks. With the expansion of BRAC, this will bring in more of the criminal element into the community and they have been warned that the detention center or jail will have to be expanded. Even though a lot of the crime takes place in the city, eventually they wind up in the county detention center. He stated it takes approximately \$1.2 million to operate that detention center for a year. That is of the cent sales tax. The money that goes to the Comanche County Industrial Development Authority (CCIDA) is also about to expire. He stated they do wonderful work for the entire county area. From his standpoint, they need \$1.2 million to operate the detention center and they need to look at the rural fire department because they need additional equipment. He stated the fairgrounds is not just used by the county, about 50 percent of the usage comes from city residents. It needs repair and upgrading. He stated we also need to give CCIDA some funding to attract new industry into the area. He stated regarding ad valorem, those retirees that are 100% disabled pay no ad valorem taxes and receive over \$15 million in exemptions. He stated this cost money to the city, county and the schools. He is proposing that they get together at a workshop and all try to get on the same song sheet. The county does not have an option to raise fees. Last year the county budget was at a standstill while the area seemed to be booming. He stated it is almost mandatory that the county captures the cent sales tax. They need to get together and determine what approach they all need to take so they can all be supportive of one another.

Mitchell questioned if the County Commission has looked into the possibility of having an ad valorem election.

Kirby stated that is a touchy area.

Mitchell stated it would be an excellent way to fund the rural firefighter issue.

Kirby stated that is an area they all should look at.

Warren questioned if the \$1.2 million for the jail operations is the amount they need to add to the general fund.

Kirby stated by law they have to set aside \$700,000.

Warren questioned if the amount to operate the facility, house the prisoners and payroll is around \$1.9 million.

Kirby stated no, it is around \$1.2 million. So far they have not had to use the money set aside. The cent sales tax that is currently going on is to pay off the indebtedness and the operation of the jail.

John Hester, Chairman, Lawton Fort Sill Chamber of Commerce, stated the Chamber is not asking for money, but they do believe there should be a source of economic development money that would go to the CCIDA. They believe that the CCIDA is the correct place for the economic development funds to flow. He stated a couple of months ago he met with the Mayor regarding the things that were going on around the community with regards to the developers having concerns about a number of issues, infrastructure issues and school issues. He stated from the Chamber's perspective, they would like to see a comprehensive solution. At this point he would disagree taking any tax off the table. They need to look at ad valorem, sales tax and even if there is some TIF money available.

They would like to see a comprehensive solution that provides a source of economic development funding and taking care of the BRAC situation. There are only two things to do to mess up BRAC, one is not house them and two is not educate their children. He stated the task force that is proposed will have the various public entities represented, developers and people who are knowledgeable about infrastructure and what our priorities should be and what the impact of those infrastructure improvements should be. He stated if they let this task force do its work, they will come back with recommendations that will make sense. He stated they are wide open to discussing how those sales taxes should be utilized, including the jail. They are open to discussion on how Lawton Public Schools fits into the package. A comprehensive solution allows the community to be very positive and he feels they can pass whatever package they need. He has forwarded the list of potential members of the task force to the Mayor.

Mayor Purcell stated they have jumped a little further ahead than he anticipated. He explained that this suggestion came from members of the community. He agreed to put together a Mayor's Advisory Task Force. Those people decided they would like the Chamber to run this as an impartial party. They approached the Chamber, and Mr. Hester and Dr. Burgess came to him and asked if he would agree to put this task force together to start off looking at project identification and project prioritization. He stated this is not a council committee, but a Mayor's advisory committee. He has given his word that whatever the task force comes up with he will bring to the City Council.

Hester stated that given the proper data from the city and county, they can do their work in about 60 days and bring a report to the City Council in early January.

Haywood questioned how many people were on this task force.

Hester stated about one dozen.

Mayor Purcell stated he will get an email out with all of those names. He stated this task force represents the whole community. He stated this is not repairs, this is where we have to build new infrastructure. These are places where there are no water lines, sewer lines or roads. This is where new development and housing is being built.

Givens stated this needs to be balanced by what is needed in the old part of town.

Mayor Purcell stated the City Council will make that decision.

Jackson stated that he believes that time is an issue.

Vincent suggested they look at the April 3<sup>rd</sup> election as far as meeting all of the timelines. The cutoff date is February 1<sup>st</sup>.

Hester stated if they complete the recommendations by early January the City Council would have a month to look at it.

Mayor Purcell stated they need the results of this report no later than January 10<sup>th</sup>.

Shoemate stated this will be hard to sell the people in the older ward on these new sewer lines if they don't fix the old roads.

Hester stated he disagrees, the people recognize how critical the situation is and he does not believe they will mind prioritizing.

Mayor Purcell stated if the City Council does not like to priorities they establish, then we can address that issue.

Givens questioned why they would waste the time planning this if they are not going to plan all of it.

Mayor Purcell stated Councilman Givens is making the assumption that they are not planning all of it. He questioned who he wants on this task force.

Givens stated he is just asking that there be representation from the older parts of town.

Mayor Purcell stated the City Manager is representing the city. He stated he can add Councilmembers Givens and Haywood, but they cannot have the entire City Council on this task force.

Haywood stated that everyone needs to get a piece of the pie in all areas.

Hester stated the goal of the committee is to prioritize infrastructure and figure out how to pay for it.

Mayor Purcell questioned if Councilmember Haywood wished to be on the committee.

Haywood stated he would like Councilmember Givens to serve on the committee.

Givens agreed to serve.

Dick McKeen, NW Sheridan Watch, stated the police strength in 1975 was 150+ and the strength today is still 150+. We have had a 25% increase in the number of people in this town in that time span and we haven't taken care of the police force. We need 50-60 police now. He stated it is only going to get worse with this increase in

population. He stated it looks to him that the hotel/motel tax is a duplication of the economic development. He suggested that they channel \$1.2 million into the police department. He stated if they want to get an education, they need to listen to a scanner and listen to what they have to go through. He stated the people in his area are concerned about drive by shootings and this is where they want the money to go. They need to get beyond looking at all of these grandiose plans and start thinking about something they have neglected for thirty years.

Haywood stated they do need 50-60 police officers, but we just don't have the money.

Warren stated he is not really locked into a cent or cent or what they are talking about as a final number in July of next year. He stated several people have come to talk about economic development and the way they get things accomplished is by having a plan. It doesn't matter how large the plan is, but you can never start at the bottom and work your way up. You have to start at here is what we need and it may be \$85 million. This is how they look at CIP. They start out with a list and start whittling it down into something they can make happen. They need to look at what they want to accomplish, lay it out to the citizens and he believes they will support it. Bricktown in Oklahoma City did not happen because someone said let's see if we can put this together to see what we can make happen. They figured out what they wanted and what they had to do to make it happen. His understanding was that the task force was going to look at the infrastructure in areas where we will be expanding and then they would bring that to the City Council and we would take that piece of the pie and mix it with our needs for maintenance and upgrade of streets and waterlines. We may be putting too much on this committee to say to say that we want them to solve all of our infrastructure problems. They need input from those that are concerned about growth and input from those that are concerned with taking care of what we already have.

Mayor Purcell stated the original intent of the committee was not to look at infrastructure repairs within the city, it was new infrastructure. The recommendations would then come to Council regarding funding of the new infrastructure. He stated we need to go back to Councilmembers Jackson and Warren and we need to decide when to hold the election.

Jackson stated he was concerned with the time line and that June 30<sup>th</sup> was going to be here before we knew it and we would lose that opportunity for the cent sales tax. He stated we would behoove ourselves if we didn't take the opportunity to bring together some of the brightest minds in the city area to help develop this program. He would not have a problem to drop the election date to April 3<sup>rd</sup>.

Mayor Purcell stated the resolution would have to be to the election board by February 1<sup>st</sup>.

Shanklin stated before they go out they need a plan that will show how much money is generated from ad valorem and sales tax.

Warren stated he is going to have a hard time including an extension of the jail tax until we see some hard numbers. He feels this was a failed experiment and we have always needed to look at a combined city/county jail. Under the current situation that is not going to happen. There just is not enough room and we can keep expanding it or we can talk with some people about contracting it out and moving forward and letting someone else worry about the liabilities, medical, etc. They had promises to begin with that this was not going to ever happen, and they would not be looking for operation money ever again. He stated he is going to have a hard time doing this.

MOVED by Jackson, SECOND by Warren, to hold the election on April 3, 2007 and make a final decision and get to the Election Board no later than February 1, 2007 and have the report from the impact committee brought before the City Council on January 10, 2007. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:13 p.m. and reconvened in regular, open session at 7:46 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

2. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the consolidated law suit, in the Comanche County District Court, Comanche County Rural Water District No. 1, et al vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item 2 shown above. City Council did discuss this lawsuit and the possible settlement of the lawsuit. Settlement conference did take place last Friday and a report was given.

MOVED by Givens, SECOND by Jackson, to approve **Resolution 06-172** authorizing settlement of Comanche County Rural Water District No. 1 et al versus City of Lawton et al. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

Jackson stated the littering problem has gotten out of control again. He stated they need to address this problem again. He stated he was out early Sunday morning and at the corner of Ferris and Sheridan, kids gather at the bank on the corner and there were piles of garbage in that lot.

Givens stated Dr. Bellino has these great litter sticks that she is selling for \$20.

Warren suggested they get the police department and the media to do a profile from the writing of the \$750 ticket to the kid having to tell their parents about the ticket and whoever comes down and pays the ticket.

Jackson stated they really should educate the kids.

There being no further business to consider, the meeting adjourned at 7:50 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK